

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**KBW INVESTMENT PROPERTIES,  
LLC**

Plaintiff,

v.

**SECRETARY ALEX AZAR, et al.,**

Defendants.

**Case No. 2:20-cv-4852**

**Judge James L. Graham**

**Magistrate Judge Kimberly A. Jolson**

**ORDER**

This matter is before the Court for consideration of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction. (ECF No. 3.) Pursuant to S.D. Ohio Civ. R. 65.1(a), a preliminary telephone conference is set for Friday, September 25, 2020 at 2:00 PM. (ECF No. 6.) During Friday's conference, Government counsel should be prepared to discuss the constitutional authority the CDC relied on in issuing its September 4, 2020 agency order entitled, "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19." 85 Fed. Reg. 55292.

**IT IS SO ORDERED.**

/s/ James L. Graham  
JAMES L. GRAHAM  
United States District Judge

DATE: September 21, 2020